

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.20918 of 2007

Between:

B.Ramdasu and another.

.. PETITIONERS

and

The Tahsildar and others.

.. RESPONDENTS

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WRIT PETITION No.20918 of 2007

ORDER:

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It is the case of the petitioners that in the year 1974 the respondent Authorities assigned the land admeasuring Ac.2-00 gts. in Sy.Nos.584/R4 and Ac.0-04 gts. in Sy.No.584/2E in favour of the 1st petitioner and the land admeasuring Ac.1-07 gts. in Sy.No.584/10 and Ac.0-036 gts. in Sy.No.456/11 in favour of the 2nd respondent respectively situated at Wanaparthi Village and Mandal, Mahabubnagar District. It is stated that the Revenue Authorities also granted pattadar pass books and record of rights in their favour and they have been cultivating the said lands without any violation of the terms and conditions of the assignment orders or the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 and the Rules made thereunder. While so, the 1st respondent passed proceedings No.C/464/2007, dated 26-02-2007, stating that Form I and II notices under A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, (for short "the Act") have been issued on 02-02-2007 to file claims and objections if any within 15 days and nobody has filed any objections and claims and, therefore, it has been presumed that there is a violation of sub-section 2 of Section 3 of the Act and accordingly, while cancelling the assignment orders, resumed the lands in question into the Government custody. But, however, it is the contention of the petitioners that the 1st respondent passed the impugned order, dated 26-02-2007, without issuing any Form I and II notices under the Act. It is further stated that they have been continuously cultivating the lands in question, as is evident from the revenue records and they never violated the provisions of the Act and, therefore, the order passed by the 1st respondent, dated 26-02-2007, is illegal and against the principles of natural justice.

Admittedly, as against the said order, an appeal lies under Section 4-A (1) of the Act before the Revenue Divisional Officer. As the said order is an appealable order, I am of the opinion that it is just and proper to permit the petitioners to file an appeal under Section 4-A (1) of the Act before the Revenue Divisional Officer.

Accordingly, the writ petition is disposed of permitting the petitioners to file an appeal under Section 4-A (1) of the Act before the Revenue Divisional Officer, against the order of the 1st respondent, dated 26-02-2007. If any such appeal is filed within ten days from the date of receipt of a copy of this order, the respondents are directed to maintain status-quo obtaining as on today with regard to possession. There shall be no order as to costs.

04-01-2007

Note:

Issue C.C. in two days

(B/o)

Prv